

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of

LOGAN TELEPHONE COOPERATIVE, INC.,)	
Complainant)	
v.)	CASE NO. 8241
SOUTH CENTRAL BELL TELEPHONE COMPANY,)	
Defendant)	

ORDER

On May 15, 1981, Logan Telephone Cooperative, Inc. ("Logan") filed with the Commission a complaint against South Central Bell Telephone Company ("Bell") wherein Logan claimed that Bell was attempting to provide telephone service to the Anaconda Aluminum Company plant site in Logan County in violation of the Commission's Order in Administrative Case No. 218, dated February 21, 1980. Logan claimed that Bell was attempting to provide this service within the exchange boundary of Logan's Lewisburg Exchange. Logan further stated that the telephone service should be furnished by Logan and that Bell should be ordered to cease and desist from interfering with same.

Bell responded on May 29, 1981, that the plans submitted by the developer of the Anaconda Plant site show that

between 80 to 90% of the buildings which will be served are within the exchange boundary of Bell's Russellville Exchange.

After deciding preliminary motions and orders regarding documentary and background evidentiary matters, the Commission, by Order dated June 4, 1981, (as amended by Order dated June 22, 1981), directed both Bell and Logan to file a map depicting the layout of the buildings or facilities planned by Anaconda Aluminum Company, and the points of desired telephone service, said map to be overlaid by or on a certain 1965 signed boundary map, and also overlaid by or on a certain map attached as Exhibit "A" to a Response to Motion filed by Logan on June 5, 1981. The Order of June 4, 1981, further ordered a hearing in this matter on July 7, 1981. The hearing was held as scheduled, and all parties of interest were given the opportunity to be heard. There were no intervenors present at the hearing.

The disputed area is triangular in shape, located south and west of Logan's Lewisburg Exchange central office, and northeasterly from Bell's Russellville Exchange central office. Logan contends that the contested boundary line falls on the west side of the proposed Anaconda plant, extending from the middle of the northern boundary of a cemetery to South Central Bell's pole 2630, roughly parallel to Highway 431. Bell contends that the same boundary falls considerably east of that line, cutting through the Anaconda

site to include the proposed location of the manufacturing plant itself and bisecting the proposed location of Anaconda's administration building.

Defendant's Motion to Strike Complainant's Brief is overruled, on the ground that the alleged errors and inaccuracies are not substantial enough to prejudice the Commission's decision in this case. Bell's "clarifications" are noted and have been considered as rebuttal argument on its behalf.

The Commission, having considered this matter, including the hearing, exhibits, briefs and filings of record, and being advised, is of the opinion and finds that:

1. Normally signed boundary maps, filed with the Commission, should be (and are) authoritative references from which to determine the boundary lines between exchanges, in accordance with 807 KAR 25:040;

2. In this particular case, however, the boundary map filed in 1965 is so unclear as to be of no assistance in resolving this dispute;

3. Licensed surveyors hired by Bell and Logan were unable to locate the disputed boundary line with any conviction. Bell's surveyor relied on an admittedly free-hand pencil line from which to scale distances, while Logan's surveyor admittedly drew the line contended for by Logan between points directed by Logan;

4. None of the witnesses who were employed by either Bell or Logan at the time the 1965 boundary map was drawn and executed was able to give convincing testimony fixing the contested line between points certain;

5. It is apparent from the testimony of those witnesses who were involved in the field administration of boundary lines in 1965 that the free-hand lines drawn on the highway-scale map in this case were made to reflect existing (and anticipated) customer locations, rather than what uninhabited territory was to be served by the two companies;

6. Because the 1965 boundary maps filed by the parties are ambiguous, the determination of this matter must be on the best available evidence: what the companies did, before the controversy arose, in providing service in the disputed area;

7. Trooper Jerry Smith requested service in the disputed area from Bell, and was told that Bell did not serve the area in which his residence was located. This residence, commonly known as the W. W. White home, is located well westward of the proposed Anaconda buildings of principal occupancy. Bell's denial of service to this residence supports Logan's contention as to the location of the disputed boundary line;

8. Other testimony with respect to a smaller green house and a smaller white dwelling, shows that other

service in and about the contested area was served by Logan with no objection from Bell; and

9. The weight of the evidence favors the location of the disputed boundary line contended for by Logan, and since the proposed Anaconda Aluminum plant facilities fall principally within the area enclosed by that line, telecommunications service should be provided by Logan out of its Lewisburg central office.

IT IS THEREFORE ORDERED that the boundary line contended for by Logan Telephone Cooperative, Inc., is and it hereby is declared to be the boundary line between South Central Bell's Russellville Exchange and Logan's Lewisburg Exchange, in the area of the Anaconda plant;

IT IS FURTHER ORDERED that Bell and Logan cooperate to assure that the continuity of service to the construction contractor is not disrupted.

Done at Frankfort, Kentucky, this the 25th day of August, 1981.

PUBLIC SERVICE COMMISSION

Martin M. Voth
Chairman

Katherine Randall
Vice Chairman

Sam Hargrave
Commissioner